

FOREWORD

I am delighted to introduce this issue of the UCL Journal of Law and Jurisprudence, the first of 2019. The journal first began to publish outstanding research by graduate students in 1994 as the UCL Jurisprudence Review. In 2012 it merged that review with the UCL Journal of Human Rights and the UCL Commercial Law Review and since then has been edited and run by UCL Laws students. It publishes cutting edge work by graduate students, academics and practitioners and this year the editors Joyman Lee, Andrew McLean (Academic Editors) and Luminita Olteanu (Managing Editor) have been ably assisted by an editorial board consisting of twenty-seven postgraduate students in bringing this issue to completion.

The Journal aims to publish high-quality contributions to legal debates on a range of issues, from the theoretical to the practical. This issue of the Journal certainly meets that aim. The articles here engage with law's philosophical foundations, human rights and the practical implications of legal doctrine. It begins with a piece by Dr Mark D'Souza, Lecturer in Laws at UCL. D'Souza develops a philosophically enriched exegesis and critique of the English law on criminal accessory liability, by reference to the structures of responsibility underpinning English criminal law. He contrasts criminal law's relatively clear and settled approach to a principal's liability with its lack of clarity about accessory liability and attempts to find a way forward that is philosophically and structurally coherent.

In the second piece, Pavlo Malyuta is interested in the human rights issues raised by unilateral option clauses increasingly found in contractual agreements. His article examines the compatibility of unilateral arbitration and unilateral litigation clauses with Article 6's right to a fair trial. Assessing the human rights implications of these clauses is crucial as more and more agreements, both commercial and non-commercial, include these types of clauses. The European Court of Human Rights has found that Article 6's right of equal access to court may be waived and Malyuta concludes his analysis by suggesting that these clauses are compatible with the ECHR because they constitute a valid waiver of the right of equal access to a court.

We move from Human Rights to shareholder remedies in Shenara Perera's piece on English company law. Perera notes the overlap between two parts of the Companies Act 2006, each of which creates a remedy for breach of a director's duties. She argues the overlap muddies the remedial jurisdiction between personal relief, derivative relief and corporate relief for shareholders. She recommends reform proposals which, if

implemented, would reconceptualise the shareholder remedies under English company law and mitigate the problems caused by the overlap between s.994 and Pt 11 of the Companies Act 2006.

This issue of the Journal also offers reviews of two books which will be of interest to readers. In the first, Eric Loefflad reviews *Boundaries of the International: Law and Empire* by Jennifer Pitts. Loefflad takes us through Pitts' challenge to the common belief that international law originated in relations among European states that respected one another as free and equal. He assesses her argument that international law was forged at least as much through Europeans' domineering relations with non-European states and empires, and that it has left a legacy still visible in the unequal structures of today's international order.

The second book is Grégoire Chamayou's *Drone Theory*, a philosophical enquiry into the genealogy, nature and socio-political impact of drones. Julia Bambach examines Chamayou's theoretical excursion into the worlds of warfare, ethics and sovereignty, responding to his arguments and raising challenges for further discussion about this crucially important political issue.

I am sure that readers will agree that this issue of the UCL Journal of Law and Jurisprudence contains a range of fascinating contributions to significant legal and political debates. I'd like to offer my congratulations to the contributors and to the editors for their hard work in bringing the issue to publication.

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